

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:06CV54-01-MU

MAURICE BYRD, )  
Plaintiff, )  
v. )  
STATE OF NORTH CAROLINA, et al., )  
Defendants. )

## ORDER

**THIS MATTER** is before the Court on remand from the United States Court of Appeals for the Fourth Circuit.

On September 18, 2006, the United States Court of Appeals for the Fourth Circuit vacated this Court's February 13, 2006, Order and remanded with instructions to construe his filing as a § 2254 petition and transfer his filing to the United States District Court for the Eastern District of North Carolina.

**THEREFORE IT IS HEREBY ORDERED that:**

1. The Clerk of Court shall immediately transfer the Plaintiff's filing to the United States District Court for the Eastern District of North Carolina; and

2. The Clerk shall send certified copies of this Order to the Clerk of the United States District Court for the Eastern District of North Carolina and to the Petitioner.

Signed: October 10, 2006



Graham C. Mullen  
United States District Judge

